

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
NOVEMBER 3, 2003**

The Tippecanoe County Commissioners met on Monday, November 3, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Shedd moved to approve the minutes of the October 20, 2003 Regular Meeting as distributed, seconded by Commissioner Knochel; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Knochel moved to approve the Accounts Payable Vouchers as submitted for the periods ending October 24, 2003, October 31, 2003, and November 3, 2003, seconded by Commissioner Shedd; motion carried.

HIGHWAY: Executive Director Mark Albers

SUPPLEMENTAL AGREEMENTS: USI Consultants, Inc.: CR 650 N Rehabilitation

Mr. Albers requested approval of two Supplemental Agreements with USI Consultants, Inc. for an additional \$10,800 to bring the total net amount for the project to \$100,200. Supplemental Agreement #1 adds \$900 for the revision and preparation of plats and descriptions for Parcel 5 owned by Sun Communities. Supplemental Agreement #2 corrects a discrepancy in the original survey for an additional \$2,000, adds two acquired parcels for an additional \$2,800, and adds more right-of-way engineering for an additional \$5,100.

- Commissioner Shedd moved to approve Supplemental Agreements #1 and #2 with USI Consultants, Inc. for an additional \$10,800, seconded by Commissioner Knochel; motion carried.

WARRANTY DEED: CR 200 N Project

TEMPORARY GRANT OF RIGHT OF WAY: CR 200 N Project

Mr. Albers submitted for acceptance the following Warranty Deed and Temporary Grant of Right-of-Way for the CR 200 N Project.

Key #112-00700-0644: A part of the SE ¼ of the SW ¼ of Sec 7, Twp 23 N, R 3 W of the second principal meridian in Perry Twp from Robert R. & Brenda Biery Cadwallader.

- Commissioner Shedd moved to approve the Warranty Deed and Temporary Grant of Right-of-Way for the CR 200 N Project, seconded by Commissioner Knochel; motion carried.

GRANTS OF RIGHT OF WAY: South River Road Project

TEMPORARY GRANTS OF RIGHT OF WAY: South River Road Project

Mr. Albers submitted for acceptance the following Grants and Temporary Grants of Right-of-Way for the South River Road Project.

Grants of Right-of-Way:

- | | |
|----------------------|--|
| Key #132-02900-0114: | Parcel #16; A part of the NE ¼ of Sec 28, Twp 23 N, R 5 W of the second principal meridian in Wabash Twp from The Robert Henry Perkins Revocable Trust, a trust created pursuant to a certain Revocable Trust Agreement dated the 15 th day of April, 1993, and a complete restatement thereof dated the 15 th day of May, 2003. |
| Key #132-02201-0087: | Parcel #8; A part of the NW ¼ of Sec 28, Twp 23 N, R 5 W of the second principal meridian in Wabash Twp from Mary Ann Winter. |
| Key #132-02900-0466: | Parcel #4; A part of the NW ¼ of Sec 28, Twp 23 N, R 5 W of the Second principal meridian in Wabash Twp from Edna A. Workman Blue Trustee of the Edna A. Workman Blue Trust of August 31, 1994. |

Temporary Grants of Right-of-Way:

- | | |
|----------------------|--|
| Key #132-02800-0270: | Parcel #24A; A part of the NW ¼ of Sec 27, Twp 23 N, R 5 W of the second principal meridian in Wabash Twp from Richard W. & Eileen T. Fix. |
| Key #132-02201-0087: | Parcel #8A; A part of the NW ¼ of Sec 28, Twp 23 N, R 5 W of the second principal meridian in Wabash Twp from Mary Ann Winter. |
| Key #132-02900-0466: | Parcel #4A; A part of the NW ¼ of Sec 28, Twp 23 N, R 5 W of the Second principal meridian in Wabash Twp from Edna A. Workman Blue Trustee of the Edna A. Workman Blue Trust of August 31, 1994. |

- Commissioner Shedd moved to approve the Grants and Temporary Grants of Right-of-Way for the South River Road Project, seconded by Commissioner Knochel; motion carried.

CERTIFICATES OF INSURANCE

- ♦ Cincinnati Insurance Company for Indiana Fibreworks, LLC
- ♦ Acuity Insurance Company, Accident Fund Company for Lawn & Shrub Inc.
- ♦ Pekin Insurance for C & C Excavating, Inc.
- ♦ Auto Owners Insurance for Spire Group LLC.
- ♦ Allied Insurance, Accident Fund Company for Exterior View, Inc.
- ♦ St. Paul Guardian Insurance Company, Fireman's Fund Insurance Company, St. Paul Fire & Marine Insurance Company for Lauth Property Group, Inc., Lauth Construction Group, Inc.
- ♦ Travelers Insurance Company, Amerisure Companies for Atlas Excavating, Inc.
- ♦ Travelers Insurance Company, Amerisure Companies for Atlas Excavating, Inc.
- ♦ Westfield Insurance Co for Paul Ely, Ely Concrete.
- ♦ State Farm Fire and Casualty Company for Edward L Mahan.
- ♦ Cincinnati Insurance, Accident Fund for R L Evans Custom Homes Inc.
- ♦ Hanover Insurance Companies, Accident Fund Insurance Company for Pearson Enterprises, LLC.
- ♦ Travelers Insurance Company, Amerisure Companies for Atlas Excavating, Inc.
- ♦ Progressive for Michael L Taber.

- ♦ Hastings Mutual Insurance for Clayton Homes, Inc.

PROJECT UPDATE

South River Road Project Phase 2 from CR 300 W to CR 500 W: Just under half of the right-of-way has been acquired. Mr. Albers expects construction to begin in the spring but work will have to be scheduled so that traffic can proceed through the area during the Feast of the Hunters Moon next fall. He anticipates the project will take two construction seasons.

CR 650 N Project: Mr. Albers anticipates construction will begin in the spring and expects it will be completed in one construction season.

CR 430 S Project: As of last Friday, Verizon's major facilities were out of the way and the contractor resumed work. Mr. Albers expects enough remaining good weather to allow the completion of the east ½ of the road in front of Wea Ridge Elementary School. The remainder of the road will be dressed up enough to open it to traffic through the winter. Construction should be completed next spring.

ORDINANCE 2003-44-CM: Rezone Petition Z-2149, Robert Cassell R1 to GB

Ordinance 2003-44-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2003-44-CM, seconded by Commissioner Knochel.

(quote)

October 16, 2003

Ref. No.: 03-609

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2149-ROBERT CASSELL (R1 TO GB):** Petitioner is requesting rezoning of 0.53 acres located on the east side of Creasy Lane just north of the SR 38 intersection (1927 S. Creasy Lane) Fairfield 35 (SE) 23-4.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 15, 2003, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from R1 to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their November 3, 2003 regular meeting.

Sincerely,
/s/Sallie Dell Fahey
Acting Executive Director

(unquote)

Representing the petitioner, Attorney Joe Bumbleburg requested a zoning change of .53 acres located on the east side of Creasy Lane just north of the SR 38 intersection from R1 to GB. He said a previous effort to rezone this property failed, but the neighborhood has changed from single family housing to mixed use. A Village Pantry is located immediately south and Bill Andrews Oldsmobile is located immediately west at the corner of Creasy Lane and SR 38.

With no further comments, Auditor Plantenga recorded the vote:

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- The motion to approve Ordinance 2003-44-CM passed 3 – 0.

COURT SERVICES REQUEST: Director Cindy Houseman

Mrs. Houseman requested the creation of a Drug Court Coordinator PAT 3 position that will allow recruitment of participants into the Drug Court. She said everyone involved must agree that this intervention will be successful before an individual is recruited. She is currently performing the Coordinator's duties but will supervise the position if it is approved. Court Services will provide the initial funding but they are applying for a grant to take over the funding. Current participants do not pay a user fee but this could become a requirement.

- Commissioner Shedd moved to approve the creation of the Drug Court coordinator position, seconded by Commissioner Knochel; motion carried.

PRESENTATION: Ken Herceg & Associates, Inc.

Ken Herceg of Ken Herceg & Associates, Inc., Engineers, Architects, and Surveyors, located in South Bend, IN, appeared to express his company's desire to work for Tippecanoe County. His firm has been serving only St. Joseph, Elkhart, and LaPorte counties but, due to the growth from one to twenty employees that include transportation and environmental engineers, architects, and surveyors, he said they would like to branch out and serve counties located north of Indianapolis.

SURVEYOR: Surveyor Steve Murray

Mr. Murray requested authorization for President Benson to sign Rule 13 Notice of Intent and Rule 13 Storm Water Quality Management Plan Part A for the NPDES Phase 2 of the Clean Water Act. He said this is the first formal step in the process to present our plan to IDEM. The intent of NPDES is to remove pollution from our ground and surface water.

- Commissioner Shedd moved to approve Rule 13 Notice of Intent and Rule 13 Storm Water Quality management Plan and authorize the President to sign, seconded by Commissioner Knochel; motion carried.

CITY OF LAFAYETTE REQUEST: Use of Courthouse Steps and Restroom Facilities

President Benson reported Lafayette Chief of Police Gene Reed requested permission to use the Courthouse steps and restroom facilities for the Christmas Parade that will be held on Sunday, December 7, 2003 at 2:00 P.M. A Certificate of Insurance was included with the request.

- Commissioner Shedd moved to approve the City of Lafayette's request for use of the Courthouse steps and restroom facilities for the Christmas Parade on December 7, 2003, seconded by Commissioner Knochel; motion carried.

DISCUSSION: Animal Control Proposals

President Benson announced the Commissioners received proposals from Tippecanoe County Humane Society and Crystal Creek Boarding Kennels for animal sheltering and disposal for 2004. During a discussion with the Animal Wardens, she learned their overriding concern is convenience and reported they wondered if the County could enter into a non-exclusive agreement with both. She said the Animal Wardens expressed concern because Crystal Creek Kennels is not in a convenient location.

Crystal Creek Kennels

Bernie Wulle, co-owner of Crystal Creek Kennels, acknowledged that Goldsberry Road is not a central location but said they don't disturb anyone because they have no neighbors. If the County agrees to contract with them, he said he hopes Crystal Creek is out of the animal control business in five years because of their interest in an aggressive spay and neuter program to control the animal population. Mr. Wulle said they would be available to take animals twenty four hours per day seven days per week. He said they made a similar proposal to the City of Lafayette and an informal proposal to the City of West Lafayette.

Sheriff Anderson said, if two facilities are used, the public may not know where to call or how to find their missing animal. Mr. Wulle responded that when an animal is brought in, its picture will be put on their website. If the animal is unclaimed after five days, the picture will be put on their national website for adoption.

Tippecanoe County Humane Society

Executive Director Stephanie Schmidt said they will begin a spay/neuter program on January 1, 2004 with local veterinarians. All animals will be spayed or neutered before they are sent home except those that are too young or are not healthy. They also put their animals on a national website for adoption. Ms Schmidt said her board is concerned the public will not know where to find their pet if there are two facilities. They will also want a better definition of where the animal will be taken and when. She said she is not sure her board will enter into a non-exclusive agreement.

COUNTY CODE UPDATE: Commissioners' Assistant Jennifer Weston

Approximately a year and a half ago, the County entered into an agreement with American Legal Publishing to produce the County Code, a codification of the County's ordinances and resolutions based on subject matter. Mrs. Weston reviewed a list of changes and deletions she will submit to American Legal Publishing before the final code is presented to the Commissioners for approval. The code will be in printed form as well as on the Web.

APPOINTMENTS: Common Wage Board

- Commissioner Shedd moved to appoint Alan Parker, Dave Lahr, and Tom Murtaugh as the County's representatives to the Common Wage for the CR 550 E from McCarty Lane to SR 26 E Reconstruction Project, seconded by Commissioner Knochel; motion carried.

ADMENDMENTS TO COOPERATIVE AGREEMENT: Demonstration & Evaluation of Rational Speed Limits

Mrs. Weston presented two amendments to the Cooperative Agreement for Demonstration & Evaluation of Rational Speed Limits approved on September 3, 2003. Amendment #1 changes our Federal Appropriation number. Amendment #2 asks the County to supply our DUNS number, register in the Central Contract Registry, and amends Section F of the reporting requirement and assigns us a technical representative for our agreement. Since this is a Federal Administration Grant, Mrs. Weston anticipates there may be monthly amendments. She said Attorney Luhman advised the Commissioners to authorize the President to sign any future amendments.

- Commissioner Shedd moved approve Amendments #1 and #2 and authorize the President to sign future amendments without approval of the full Board of Commissioners, seconded by Commissioner Knochel; motion carried.

UPDATED AGREEMENT WITH PURDUE UNIVERSITY: Unused 800 Mhz Frequencies

Sheriff Anderson reported the County previously shared unused 800 Mhz frequencies with Purdue University. In an updated agreement, the County will continue to share these 911 frequencies with Purdue on the upgraded radio system. If Purdue pulls out of the agreement, Sheriff Anderson said the frequencies will revert to the County.

TEMA: Director Steve Wettschurack

First Responder Communications Equipment Sub-grant:

Mr. Wettschurack reported the County is one of 55 counties eligible for a First Responder Communications Equipment Sub-grant from the Integrated Public Safety Commission (IPSC) in the amount of \$500,000 with no required match. This sub-grant, administered by SEMA, will provide funds for the direct enhancement of radio communications interoperability among public safety agencies. Mr. Wettschurack said they will conduct an inventory of all 800 Mhz radios in the County to determine where there are gaps in communication. He requested President Benson's signature on the application and on the application for the sub-grant. December 3, 2003 is the application deadline.

Sheriff Anderson added that, because a good number of 800 Mhz portable and mobile radios in the County will not operate with IPSC, some of these funds will be used to replace them. This will allow communication with the State Police and other agencies operating on the IPSC System.

- Commissioner Shedd moved to authorize the President to sign the application and the sub-grant application, seconded by Commissioner Knochel; motion carried.

Indiana Citizens Corps Council Activities Grant (Signed 4/21/2003)

Mr. Wettschurack reported that, due to significant flooding that occurred in Tippecanoe County on July 4, 2003, the Indiana Commission on Community Service and Volunteerism extended our deadline for spending the Indiana Citizens Corps Council Activities Grant funds from December 31, 2003 to April 30, 2004. The grant, in the amount of \$6,000, is to support and expand Indiana Citizen Corps Council activities.

- Commissioner Shedd moved to authorize the President to sign the extension of the grant, seconded by Commissioner Knochel; motion carried.

REPORTS

Reports from the Parks Department, Clerk of the Circuit Court, Treasurer, Legal Aid, Weights & Measures, and Wabash River Heritage Corridor Commission are on file in the Commissioners' Office for review.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Knochel; motion carried.

Robert A. Plantenga, Auditor